

REMARKS

Claims 3-10 are pending in this application. By this Amendment, claims 9 and 10 are amended for clarification purposes only. Reconsideration of the application is respectfully requested.

The courtesies extended to Applicant's representative by Examiner Stock and Primary Examiner Smith at the interview held September 16, 2004, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview. Specifically, the Examiner recommended amending claims 9 and 10 for clarification purposes.

The Office Action rejects claims 3-7 and 9 under 35 U.S.C. §103(a) over Sugaya (U.S. Patent No. 5,754,299); and claim 8 under 35 U.S.C. §103(a) over Sugaya in view of Konno (U.S. Patent No. 6,081,385). The rejections are respectfully traversed.

The Examiners agreed during the personal interview that Sugaya does not disclose or suggest an optical positional deviation detecting apparatus wherein at least an image field stop position adjustment mechanism adjusts the field stop position on the basis of an asymmetric focus characteristic of the line and space mark pattern image obtained when forming the image of a line and space mark pattern within an image field area of an imaging device, as recited in independent claim 3, and similarly recited in independent claims 5 and 9. Accordingly, because it would not have been obvious to combine Sugaya and Konno to arrive at Applicant's claimed invention, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 3-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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